

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
CHERISSIA WILLIAMS, :
Plaintiff, : **ORDER ADOPTING REPORT**
- against - : **AND RECOMMENDATION**
PLAYSCRIPTS, INC. and SEAN CERCONE, : 22-CV-6861 (AMD) (SJB)
Defendants. :
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ANN M. DONNELLY, United States District Judge:

The plaintiff commenced this action against her former employers, Playscripts, Inc. and its CEO Sean Cercone. (ECF No. 1.) The defendants hired the plaintiff as a receptionist in December 2017. (*Id.* ¶ 19.) She became a licensing representative for the defendants in January 2018. (*Id.* ¶ 20.) The plaintiff alleges that the defendants violated the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) because they did not (1) pay her overtime wages, (2) provide spread-of-hours compensation, or (3) provide a wage notice. (*Id.* ¶ 2.) She also claims racial discrimination and retaliation under Title VII, state law, and city law. (*Id.* ¶ 3.)

The parties participated in a mediation on May 11, 2023, during which they reached a resolution in principle. (ECF No. 27-24 at 8; ECF No. 33 at 10.) Following the mediation, the plaintiff’s counsel sent a proposed term sheet to the defense counsel. (ECF No. 27-5.) Magistrate Judge Sanket Bulsara directed the parties to file a motion for settlement approval under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) by July 5, 2023. (See ECF Order dated June 14, 2023.) Judge Bulsara extended that deadline four times. (See ECF Orders dated July 6, 2023, Aug. 7, 2023, Sept. 6, 2023, and Sept. 20, 2023.) On September 19, 2023, the plaintiff’s counsel notified the defense counsel that the plaintiff refused to sign the

“Non-FLSA settlement agreement due to [a] confidentiality term.” (ECF No. 32 ¶ 11.) To date, neither party has signed any of the proposed written settlement agreements. (*Id.* ¶ 13.) On October 18, 2023, the defendants moved to enforce the settlement and for sanctions. (ECF No. 27.)¹

On December 21, 2023, the Court referred the motion to Judge Bulsara. (*ECF Order dated Dec. 21, 2023.*) On August 13, 2024, Judge Bulsara issued a comprehensive report and recommendation, recommending that the defendants’ motion for settlement enforcement and sanctions be denied. (ECF No. 38.) No objections have been filed to the report and recommendation and the time for doing so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quotation marks omitted).

I have carefully reviewed Judge Bulsara’s thorough and well-reasoned report and recommendation and find no error. Accordingly, I adopt the report and recommendation in its entirety and order that the defendants’ motion for settlement enforcement and sanctions be denied.

¹ Judge Bulsara granted the defendants’ motion to seal the unredacted versions of the exhibits they included with their motion for settlement enforcement and sanctions. (ECF No. 38 at 17.)

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
September 3, 2024